

REMARKS

Claims 1- 72 are pending in this application. Claims 1-72 stand rejected. Applicant reserves the right to pursue the original claims and other claims in this application and in other applications.

Claims 1-44, 50-59 and 65-72 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Perino et al., US Patent No. 6,545,875 (hereinafter "Perino"). The rejection is respectfully traversed and reconsideration is respectfully requested.

Submitted concurrently herewith is a "Declaration Of Terry R. Lee Under 37 CFR 1.131" (hereinafter the "Lee Declaration"); Terry R. Lee is the inventor of the claimed inventions. The Lee Declaration establishes a "prior invention" with respect to the effective date of the Perino reference (i.e., May 10, 2000). That is, the Lee Declaration establishes conception of the claimed inventions prior to the effective date of the Perino reference (i.e., May 10, 2000) coupled with due diligence from prior to the reference date to the filing date of the present application (i.e., May 31, 2000). See M.P.E.P. § 715.07. "A rejection based on 35 U.S.C. 102(e) can be overcome by . . . [f]iling an affidavit or declaration under 37 CFR 1.131 showing prior invention." M.P.E.P § 706.02(b). Thus, by establishing prior invention, Applicant respectfully submits that claims 1-44, 50-59 and 65-72 are allowable over Perino.

For at least the reasons set forth above, the rejection of claims 1-44, 50-59 and 65-72 should be withdrawn and all of the claims allowed.

Claims 45 and 60 stand rejected under 35 U.S.C. § 103(a) as being obvious over Perino in view of Cargin, Jr. et al., US. Patent. No. 6,023,147, (hereinafter "Cargin"). The

rejection is respectfully traversed and reconsideration is respectfully requested.

As noted above, the Lee Declaration establishes a completion of the claimed inventions prior to the effective date of the Perino reference. "Applicant may overcome a 35 U.S.C. 103(a) rejection based on a combination of references by showing completion of the invention by applicant prior to the effective date of any of the references." M.P.E.P. § 715.02. Since Applicant has established a completion of the claimed inventions prior to the effective date of the Perino reference, and Cargin does not teach or suggest any of the features of the claimed inventions, Applicant respectfully submits that claims 45 and 60 are allowable over the cited combination. Accordingly, for at least the reasons set forth above, the rejection of claims 45 and 60 should be withdrawn and all of the claims allowed.

Claims 46-49 and 61-64 stand rejected under 35 U.S.C. § 103(a) as being obvious over Parino in view of the Handbook of LAN Cable Testing (hereinafter the "Handbook"). The rejection is respectfully traversed and reconsideration is respectfully requested.

As noted above, the Lee Declaration establishes a completion of the claimed inventions prior to the effective date of the Perino reference. "Applicant may overcome a 35 U.S.C. 103(a) rejection based on a combination of references by showing completion of the invention by applicant prior to the effective date of any of the references." M.P.E.P. § 715.02. Since Applicant has established a completion of the claimed inventions prior to the effective date of the Perino reference, and the Handbook does not teach or suggest any of the features of the claimed inventions, Applicant respectfully submits that claims 46-49 and 61-64 are allowable over the cited combination. Accordingly, for at least that reason, withdrawal of the rejection of claims 61-64 is respectfully requested.

In view of the above, each of the presently pending claims in this application is

Application No.: 09/583,883

Docket No.: M4065.0260/P260

believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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